

1 G. GEOFFREY ROBB (131515)
grobb@gibsonrobb.com
2 MARKER E. LOVELL, JR. (208659)
mlovell@gibsonrobb.com
3 CHELSEA D. YUAN (240559)
cyuan@gibsonrobb.com
4 GIBSON ROBB & LINDH LLP
100 First Street, 27th Floor
5 San Francisco, California 94105
Telephone: (415) 348-6000
6 Facsimile: (415) 348-6001
7 Attorneys for Plaintiff-in-Limitation
LONNIE EVERETT OWEN, SR.
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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13 In the matter of LONNIE EVERETT OWEN,) Case No. CV 10 0973 SBA
14 SR., an individual, as owner of the)
2009 SKEETER ZX250, for exoneration) **[ORDER DIRECTING ISSUANCE OF NOTICE**
15 from or limitation of liability) **AND PUBLICATION THEREOF, AND**
16) **RESTRAINING ORDER**
_____)

17 WHEREAS, this complaint for exoneration from or limitation of liability
18 is being filed simultaneously with this [proposed] order by Plaintiff-in-
19 Limitation LONNIE EVERETT OWEN, SR., ("Plaintiff-in-Limitation) as owner of
20 the 2009 SKEETER ZX250 ("the VESSEL"), wherein Plaintiff-in-Limitation seeks
21 exoneration from or limitation of liability for any and all losses, injuries,
22 and/or damages occasioned as a result of the collision between the VESSEL and
23 a 2001 Larson 210LXI potentially resulting in injuries to passengers on said
24 vessel on August 1, 2009, on the Old River in Contra Costa County,
25 California; and

26 WHEREAS, the complaint having stated the facts and circumstances upon
27 which said exoneration or limitation is claimed; and

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1 WHEREAS, it appearing that the claims that may be made against
2 Plaintiff-in-Limitation may be in amounts which will exceed the value of
3 Plaintiff-in-Limitation's interest in the VESSEL for losses, injuries, and/or
4 damages said to have been occasioned or incurred in consequence of the
5 aforesaid voyage; and

6 WHEREAS, Plaintiff-in-Limitation's surety has given security for
7 damages in costs herein;

8 AND NOW THEREFORE, on application of Gibson Robb & Lindh LLP, counsel
9 for Plaintiff-in-Limitation, it is hereby:

10 ORDERED that the Clerk of this Court issue a notice forthwith, in the
11 form submitted with this Order, to all persons or entities asserting claims
12 with respect to which the complaint seeks exoneration or limitation,
13 admonishing them to file their respective claims with the Clerk of the Court
14 and serve attorneys for Plaintiff-in-Limitation with a copy thereof within 30
15 days of the issuance of the notice;

16 AND IT IS FURTHER ORDERED that public notice shall be given by
17 publication thereof in the legal newspaper known as "The Recorder," and that
18 such notice shall be published once a week for four consecutive weeks prior
19 to the date affixed herein for filing of claims;

20 AND IT IS FURTHER ORDERED that not later than the date of the second
21 publication of said notice, Plaintiff-in-Limitation shall mail a copy of said
22 notice to every person or concern, if any, known to have made any claim
23 against Plaintiff-in-Limitation as a result of the incident involving the
24 VESSEL on or about August 1, 2009;

25 AND IT IS FURTHER ORDERED that the continued prosecution of any and all
26 suits, actions or proceedings which may already have begun against Plaintiff-
27 in-Limitation in any court whatsoever to recover damages arising out of, or
28 occasioned by, or consequent upon the aforesaid voyage or trip on which the


VESSEL collided with the 2001 Larson 210LXI on August 1, 2009, during which six people may have been injured, and institution or prosecution of any suits, actions or legal proceedings of any nature description whatsoever in any court wheresoever, except in this proceeding for exoneration from or limitation of liability, against Plaintiff-in-Limitation, in respect of any claim or claims arising out of the aforesaid voyager trip on which the VESSEL was then engaged, or otherwise subject to limitation proceeding, be and the same are hereby are stayed and restrained;

AND IT IS FURTHER ORDERED that a certified copy of this order as a restraining order shall be served by certified mail, return receipt requested, on the person or persons, or entity or entities, to be restrained, or to their respective attorneys or representatives;

AND IT IS FURTHER ORDERED that the publication and mailing of copies of the Notice to Claimants, required by Rule F(4), Supplemental Rules for Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure, shall constitute due notice to all persons asserting claims with respect to which said complaint seeks limitation or exoneration.

IT IS SO ORDERED.

Dated: 5/12/10



U.S. District Court Judge
UNITED STATES DISTRICT COURT
Northern District of California